



Jorge H. Berkowitz, Ph.D.
Director

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF ENVIRONMENTAL QUALITY
CN 027, TRENTON, NJ 08625

Let's protect our earth



Anthony J. McMahon, Assistant Director
Environmental Enforcement

SDMS Document



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IN THE MATTER OF	:	ADMINISTRATIVE ORDER AND
SANDVIK INC.	:	
1702 NEVINS ROAD	:	NOTICE OF CIVIL ADMINISTRATIVE
P.O. BOX 428	:	
FAIR LAWN, NEW JERSEY 07410	:	PENALTY ASSESSMENT
LOG #T890041 MRA	:	

4/7/89

This ORDER and NOTICE are issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (the "Department") by N.J.S.A. 13:1D-1 et seq., the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and the Toxic Catastrophe Prevention Act, N.J.S.A. 13:1K-19 et seq. (the "Act" or "TCPA"), and duly delegated to the Assistant Director for Enforcement of the Division of Environmental Quality pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. Pursuant to N.J.S.A. 13:1K-22 and N.J.A.C. 7:31-2.4(a), an owner or operator of any facility on a site or within a water or wastewater treatment system who handles, uses, manufactures, stores or is capable of generating within one hour at least the registration quantity or greater of an extraordinarily hazardous substance ("EHS"), listed in Part I of Table I in N.J.A.C. 7:31-2.3, must register with the Department.
2. As the result of an investigation conducted on January 18, 1989, the Department has determined that you failed to register your facility, N.J. TCPA Reg. #Not Listed, located at 1702 Nevins Road, Borough of Fair Lawn, Lots(s) 2, Block(s) 4902, County of Bergen, State of New Jersey. Specifically, the investigation has disclosed that you did store 2500 lbs of titanium tetrachloride which is an EHS, without registering as an EHS facility. This constitutes a violation of N.J.A.C. 7:31-2.4(a).

ORDER

3. NOW, THEREFORE, IT IS HEREBY ORDERED THAT on or before April 27, 1989, you must register your facility by completing and returning the enclosed registration forms to the New Jersey Department of Environmental Protection, Bureau of Release Prevention, CN 027, Trenton, New Jersey, 08625.

PENALTY ASSESSMENT

4. Based upon the above FINDINGS, and a review of the entire matter, the Department hereby assesses a Civil Administrative Penalty against you in the amount of \$2,000.00. Payment must be submitted to the Department as explained in Paragraph D of Attachment I within twenty (20) calendar days of receipt of this Order and Notice.

Rec'd; paid

GENERAL PROVISIONS

5. Pursuant to N.J.S.A. 13:1K-30(b), you are entitled to a hearing if aggrieved by this Order and Notice. Written application for such a hearing must be received by the Department within twenty (20) calendar days from receipt of this Order and Notice. In applying for such hearing, you must furnish the Department with the information listed in Paragraph A of Attachment I. If no request for a hearing is received within twenty (20) calendar days, this Order and Notice shall become a Final Order and the penalty will then become due and payable.
6. Payment of the Civil Administrative Penalty shall not affect any other enforcement provision in connection with the violation for which this Order and Notice are issued.
7. The provisions of this Order and Notice shall be binding on you, your principals, agents, employees, successors, assigns, tenants and any trustee in bankruptcy or receiver appointed pursuant to a proceeding in law or equity.
8. No obligations imposed by this Order and Notice are intended to constitute a debt, damage claim, penalty or other civil action which should be limited or discharged in a bankruptcy proceeding. All obligations imposed by this Order shall constitute continuing regulatory obligations imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety and welfare.
9. NOTICE IS GIVEN, that pursuant to N.J.S.A. 13:1K-30(b), any person who violates the provisions of the Act, or any code, rule, regulation or order promulgated or issued pursuant thereto, shall be liable to a penalty of up to \$10,000 for the first offense, \$20,000 for the second offense, and \$50,000 for the third and each subsequent offense. If the violation is of a continuing nature, each day during which it continues constitutes an additional, separate and distinct offense.
10. NOTICE IS FURTHER GIVEN, that pursuant to N.J.S.A. 13:1K-30(d), any person who violates the provisions of the Act, or any code, rule, regulation or order promulgated or issued pursuant thereto, or who fails to pay a civil administrative penalty in full, shall be liable for a civil penalty of not more than \$10,000 per day of the violation, and each day's continuance of the violation constitutes a separate and distinct violation.

Dated: April 7, 1989


Donald F. Patterson, Assistant Director
Environmental Enforcement

CERTIFIED MAIL



Jorge H. Berkowitz, Ph.D.
Director

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF ENVIRONMENTAL QUALITY
CN 027, TRENTON, NJ 08625



Anthony J. McMahon, Assistant Director
Environmental Enforcement

IN THE MATTER OF : ADMINISTRATIVE ORDER AND
SANDVICH, INC. :
1702 NEVINS ROAD : NOTICE OF CIVIL ADMINISTRATIVE
P.O. BOX 428 :
FAIR LAWN, NEW JERSEY 07410 : PENALTY ASSESSMENT
LOG: #A890682 MRA :

2/27/89

This ORDER and NOTICE are issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (the "Department") by N.J.S.A. 13:1D-1 et seq., and the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the "Act"), and duly delegated to the Assistant Director for Enforcement of the Division of Environmental Quality pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. As the result of an investigation conducted on January 18, 1989, the Department has determined that at your facility located at 1702 Nevins Road, Borough of Fair Lawn, Lot(s) 2, Block(s) 4902, County of Bergen, State of New Jersey, (ID #00416) you constructed, installed, or altered and operated the following equipment without obtaining the required Permit(s) to Construct, Install or Alter Control Apparatus or Equipment ("Permit") and Certificate(s) to Operate Control Apparatus or Equipment ("Certificate"), in violation of N.J.A.C. 7:27-8.3(a)&(b):

Torit dust collector controlling emissions from a brush honing machine.

ORDER

2. NOW, THEREFORE, IT IS HEREBY ORDERED THAT on or before March 29, 1989, you submit the required Permit and Certificate application(s) VEM-003 and VEM-004 to the Bureau of New Source Review to obtain a Permit(s) and Certificate(s) for the equipment listed in Paragraph 1 above. If the required Permit and Certificate application(s) is not submitted by the above date, you must cease installation/operation of such equipment.
3. IT IS FURTHER ORDERED THAT on or before June 29, 1989, you obtain an approved Permit(s) and Certificate(s). If the required Permit and Certificate is not obtained by the above date, you must cease installation/operation of the equipment listed in Paragraph 1 above.

PENALTY

4. Based upon the above FINDINGS, and a review of the entire matter, the Department hereby assesses a Civil Administrative Penalty against you in the amount of \$800.00. Payment must be submitted to the Department within twenty (20) calendar days of receipt of this Order and Notice unless you request a hearing in accordance with the provisions of Paragraph 5 below. Payment must be made to the Department at the address listed in Paragraph B of Attachment I.

5. Pursuant to N.J.S.A. 26:2C-14.1 you are entitled to a hearing if aggrieved by this Order and Notice. Application for such a hearing must be received by the Department within twenty (20) calendar days from receipt of this Order and Notice. In applying for such hearing, you must furnish the Department with the information listed in Paragraph A of Attachment I. If no request for a hearing is received within twenty (20) calendar days, this Notice shall become a final Order and the Penalty will then become due and payable. A hearing request does not stay the terms or effect of this Order.
6. The provisions of this Order and Notice shall be binding on you, your principals, agents, employees, successors, assigns, tenants and any trustee in bankruptcy or receiver appointed pursuant to a proceeding in law or equity.
7. No obligations imposed by this Order and Notice, with the exception of Paragraph 4, are intended to constitute a debt, damage claim, penalty or other civil action which should be limited or discharged in a bankruptcy proceeding. All obligations imposed by this Order shall constitute continuing regulatory obligations imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety and welfare.
8. NOTICE IS GIVEN, that pursuant to N.J.S.A. 26:2C-19(b) and N.J.S.A. 26:2C-19(d), any person who violates the provisions of the Act, or any code, rule regulation or order promulgated or issued pursuant thereto, or who fails to pay a civil administrative penalty in full, shall be liable to a penalty of up to \$10,000 for the first offense, \$25,000 for the second offense, and \$50,000 for the third and each subsequent offense.

Dated: February 27, 1989

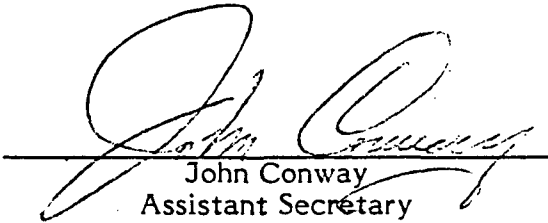

Anthony J. McMahon, Assistant Director
Environmental Enforcement

CERTIFIED MAIL

SANDVIK, INC.

ASSISTANT SECRETARY'S CERTIFICATE

I hereby certify that the attached is a true, correct and complete copy of the March 20, 1984 Sandvik, Inc. Board of Director resolutions authorizing the settlements negotiated with the New Jersey Department of Environmental Protection and with the Borough of Fair Lawn, New Jersey.



John Conway
Assistant Secretary

3/20/84
Date

SANDVIK

Robert W. Schiessler

President
Sandvik, Inc.

It is recommended that the following Resolutions be approved by the Board:

RESOLVED, that the settlements negotiated with the New Jersey Department of Environmental Protection and with the Borough of Fair Lawn, New Jersey with respect to the soil and water contamination at Sandvik's Fair Lawn site are acceptable to Sandvik, Inc.; and further

RESOLVED, that the appropriate officers of Sandvik, Inc. be, and each of them hereby is, authorized to execute and deliver such documents and to take such action as may be necessary or desirable in the judgment of any such officers to effect the transactions contemplated by the foregoing resolution.

Robert W. Schiessler

President
Sandvik, Inc.

March 20, 1984

Mr. Gerard Burke
Assistant Director
Department of Environmental Protection
State of New Jersey
CN 402
Trenton, New Jersey 08625

Re: Administrative Consent Order

Dear Mr. Burke:

In response to your March 16 letter (which was received here on March 19), I enclose the executed original and duplicate copy of the subject Administrative Consent Order, together with written certification of authorization by the Board of Directors of Sandvik, Inc.

I understand that the Release by the Borough of Fair Lawn, also agreed, will be executed tomorrow. I further understand that Fisher Scientific has executed a similar Administrative Consent Order covering its obligations, including its 50% share of the Fair Lawn Borough settlement costs.

Please arrange to have the Sandvik ACO executed by Mr. McCann for New Jersey and to have a fully executed copy of the Order returned to me at this office for our files.

Sincerely,



Robert W. Schiessler

RWS:pd

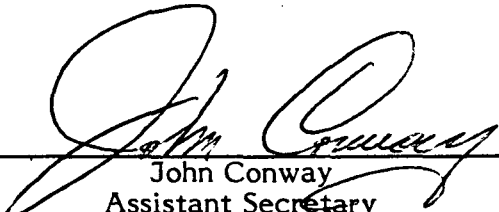
Enclosures: 2

cc: John V. Field, Esq. (w/Attachments)

SANDVIK, INC.

ASSISTANT SECRETARY'S CERTIFICATE

I hereby certify that the attached is a true, correct and complete copy of the March 20, 1984 Sandvik, Inc. Board of Director resolutions authorizing the settlements negotiated with the New Jersey Department of Environmental Protection and with the Borough of Fair Lawn, New Jersey.



John Conway
Assistant Secretary

3/20/84
Date

Robert W. Schlessler

President
Sandvik, Inc.

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RESOLVED, that the appropriate officers of Sandvik, Inc. be, and each of them hereby is, authorized to execute and deliver such documents and to take such action as may be necessary or desirable in the judgment of any such officers to effect the transactions contemplated by the foregoing resolution.